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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9  
10 **AT TACOMA**

11 **STEPHANIE WILSON,** ) Case No.  
12 )  
13 Plaintiff, ) **COMPLAINT FOR VIOLATION**  
14 ) **OF FEDERAL FAIR DEBT**  
15 ) **COLLECTION PRACTICES ACT**  
16 )  
17 **MERCHANTS & MEDICAL)**  
18 **CREDIT CORPORATION, INC.)**  
19 **AND KOHL'S DEPARTMENT)**  
20 **STORES, INC.,** )  
21 )  
22 Defendants. )

23 **NATURE OF ACTION**

24 1. This is an action brought under the Fair Debt Collection Practices  
25 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

26 **JURISDICTION AND VENUE**

27 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28  
29 U.S.C. § 1331.

COMPLAINT FOR VIOLATIONS OF THE FAIR  
DEBT COLLECTION PRACTICES ACT-1

WEISBERG & MEYERS, LLC  
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1           3.     Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),  
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3 where the acts and transactions giving rise to Plaintiff's action occurred in this  
4 district, where Plaintiff resides in this district, and/or where Defendants' transact  
5 business in this district.

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7                                   **PARTIES**

8           4.     Plaintiff, Stephanie Wilson ("Plaintiff"), is a natural person who at  
9 all relevant times resided in the State of Washington, County of Clallam, and City  
10 of Port Angeles.

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12           5.     Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

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14           6.     Defendant, Merchants & Medical Credit Corporation, Inc.  
15 ("M&MCC") is an entity which all relevant times was engaged, by use of the  
16 mails and telephone, in the business of attempting to collect a "debt" from  
17 Plaintiff, as defined by 15 U.S.C. §1692a(5).

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19           7.     M&MCC is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

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21           8.     Defendant, Kohl's Department Stores, Inc., ("Kohl's") is an entity  
22 who acquires debt in default merely for collection purposes, and who at all  
23 relevant times was engaged in the business of attempting to collect a debt from  
24 Plaintiff.

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26           9.     Kohl's is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

## FACTUAL ALLEGATIONS

10. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than M&MCC.

11. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than M&MCC, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes.

12. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than M&MCC.

13. M&MCC uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

14. Kohl's purchases debts once owed or once due, or asserted to be once owed or once due a creditor.

15. Kohl's acquired Plaintiff's debt once owed or once due, or asserted to be once owed or once due a creditor, when the debt was in default.

16. Kohl's is thoroughly enmeshed in the debt collection business, and Kohl's is a significant participant in M&MCC's debt collection process.

1           17. Defendant M&MCC, and/or Defendant Kohl's, sent Plaintiff written  
2 correspondence, placed upon Defendant M&MCC's letterhead and dated January  
3 21, 2010, in which it was stated, in relevant part: "[w]e assigned this account to  
4 our professional debt collector because you failed to voluntarily pay this  
5 obligation."  
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8           18. Defendant Kohl's is a business primarily engaged in the business of  
9 retail sales, while Defendant M&MCC is a business primarily engaged in the  
10 business of collecting debts.  
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12           19. For such statement to be purportedly made by Defendant M&MCC,  
13 that as a professional debt collector, it assigned a debt to its professional debt  
14 collector, is a confusing, misleading and deceptive statement, and a  
15 misrepresentation of the character and status of the alleged debt, namely, that  
16 such debt was in the possession of a professional debt collector.  
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19           20. Furthermore, such statement indicates that rather than having been  
20 drafted and sent by Defendant M&MCC, the letter was in actuality designed,  
21 compiled, and furnished as a form letter by Defendant Kohl's to Defendant  
22 M&MCC, with knowledge that it would be used to create the belief in consumers  
23 that persons other than Defendant Kohl's, namely Defendant M&MCC, was  
24 participating at the time the letter was sent to Plaintiff in an attempt to collect a  
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1 debt, when in truth M&MCC was not participating at that time, a prohibited  
 2 activity commonly referred to as “flat-rating.” (15 U.S.C. §§ 1692e(2)(A),  
 3 1692e(10), 1692j(a)).

5 21. Defendant(s) further stated in the January 21, 2010 letter that  
 6 Plaintiff should “[c]ontact [M&MCC] to avoid further collection procedure,” and  
 7 that “If we do not hear from you, then we will proceed with further collection  
 8 means now at our disposal.”

11 22. In actuality, after said letter was sent, Plaintiff did not contact  
 12 Defendant(s), yet no further collections activity of any kind was taken by  
 13 Defendant, evidencing the threat therein to be an act Defendant(s) did not intend  
 14 to take. (15 U.S.C. §§ 1692e(5), 1692e(10)).

17 23. Defendants’ actions constitute conduct highly offensive to a  
 18 reasonable person.

19 **COUNT I—VIOLATIONS OF THE FDCPA**  
 20 **DEFENDANT M&MCC**

21 24. Plaintiff repeats and re-alleges each and every allegation above.

23 25. Defendant M&MCC violated the FDCPA as detailed above.

24 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

26 a) Adjudging that M&MCC violated the FDCPA;

- 1 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,  
2 in the amount of \$1,000.00;  
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4 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;  
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6 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in  
7 this action;  
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9 e) Awarding Plaintiff any pre-judgment and post-judgment interest as  
10 may be allowed under the law;  
11  
12 f) Awarding such other and further relief as the Court may deem just  
13 and proper.

14 **COUNT II—VIOLATIONS OF THE FDCPA**  
15 **DEFENDANT KOHL'S**

16  
17 26. Plaintiff repeats and re-alleges each and every allegation above.

18 27. Defendant Kohl's violated the FDCPA as detailed above.

19  
20 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 21 a) Adjudging that Kohl's violated the FDCPA;  
22  
23 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,  
24 in the amount of \$1,000.00;  
25  
26 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;  
27  
28 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in

1 this action;

2 e) Awarding Plaintiff any pre-judgment and post-judgment interest as  
3  
4 may be allowed under the law;

5 f) Awarding such other and further relief as the Court may deem just  
6  
7 and proper.

8 **TRIAL BY JURY**

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10 Plaintiff is entitled to and hereby demands a trial by jury.

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12 Respectfully submitted this 15th day of November, 2010.

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15 s/Jon N. Robbins  
16 Jon N. Robbins  
17 WEISBERG & MEYERS, LLC  
18 Attorney for Plaintiff  
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